IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

WP(C).No. 31734 of 2007(C)

PETITIONER:

O.ABDULRAHIMAN
S/O. ABDULLA, AGED 33 YEARS,
OTHAYAMANGALATH HOUSE
P.O. CHEROOPA, KUTTIKADAVU, MAVOOR
KOZHIKODE TALUK.

BY ADV. SRI.R.SUDHISH
SMT.M.MANJU

RESPONDENT:

THE DISTRICT COLLECTOR
KOZHIKODE.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/11/2007, THE COURT ON 20/11/2007 DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 31734 OF 2007 C
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Dated this the 20th day of November, 2007

J U D G M E N T

Ext.P1 is an order passed by the respondent under Rule 27 of the Protection of River Banks and Regulation of Removal of Sand Act and Rules, 2001. Ext.P1 appears to be a printed format, portions of which have been left blank to be filled up depending upon the requirements of each case. It is in such a format that the petitioner has been levied fine of Rs.25,000/- on the basis of having engaged in the unauthorised transportation of river sand. Petitioner submits that he is innocent of the allegations and that he was in possession of the original bill and other documents which were detained by the police at the time of seizure. It is also complained that copy of the seizure mahazar has not been served on him.

2. A reading of Ext.P1 shows that none of the contentions of the petitioner, whatever be its worth, have been considered by the respondent. I also notice from Ext.P1 that despite the mandatory provisions in the Rule for release of the vehicle on payment of value and fine, value has not been ordered to be

paid.

3. For these reasons, I cannot sustain Ext.P1 and therefore Ext.P1 will stand quashed. The respondent shall reconsider the matter with notice to the petitioner as expeditiously as possible, at any rate within 2 weeks of receipt of a copy of this judgment and an order as contemplated in rule 27 shall be passed.

4. In the meantime, it will be open to the petitioner to make an application to the respondent for interim custody, in which case the respondent shall consider the same subject to imposition of appropriate conditions.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp